

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas June 15, 1999  
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

The invocation was given by Rev. Burr Crickard, Zion United Methodist Church

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes.-- approved

The minutes of the regular meeting of June 8, 1999, were approved 7 to 0.

AWARDS AND PRESENTATIONS**SERVICE CITATIONS**

Mayor Knight presented Distinguished Service Citations to those present.

UNFINISHED BUSINESS**MUNICIPAL ENERGY****MUNICIPAL ENERGY AGENCY - AGREEMENT.**

Joe Lang

First Assistant City Attorney reviewed the Item.

Agenda Report No. 99-313 A.

On March 23, 1999, the City Council adopted a resolution that authorized the City to participate with other cities to create a SouthCentral Municipal Energy Agency. State law, as amended in 1998, allows cities to join together to form a cooperative agency for the purpose of planning, studying, and developing facilities and programs for the purpose of securing an adequate, economical, and reliable supply of electricity and other energy. The creation of a Municipal Energy Agency with other cities in the area with common interests, will place it in a position to be involved in State-wide discussions of electrical energy issues, become a cost effective advocate for its members in the regulatory proceedings, to implement planning and preparing for retail wheeling, and to position itself to become an aggregator of electrical power for retail wheeling if it chooses.

On April 6, 1999, the City Council recommended an interlocal agreement form to other interested cities. Once the initiating resolutions have become effective in the participating cities, these cities can also enter into the agreement.

The statutory 60 day notice period has passed and no protest petition has been filed with the City Clerk. The City is in a position to now proceed to enter into the agreement. This proposed agreement considered by the interested cities is substantively the same as the draft form recommended by the Council on April 6.

To date, the cities of El Dorado, Derby, Newton, Arkansas City, and Hutchinson have adopted Resolutions of intent to participate in the Municipal Energy Agency. The City of Winfield will consider this matter in the near future.

The proposed SouthCentral Municipal Energy Agency Agreement will create an agency with broad powers and authority to carry on all activities allowed under the State law. The member cities through their representatives will determine which of those many powers the Agency would actually exercise in the future.

Following is a summary of the organization, structure, and power of the Agency set forth in the Agreement:

The South Central Regional Energy Agency is established as a quasi-municipal corporation.

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2. The powers of the Agency are all of those powers of a quasi-municipal corporation as authorized by statute, including the power to sue and be sued, enter into contracts, issue revenue bonds, own property, and receive grants and funding.
3. The Agency on its own or in cooperation with other governmental or private entities may plan, study, and develop facilities and programs to secure adequate, economical, and reliable supplies of electricity.
4. If the Agency exercises electrical utility functions for its members in the future, when authorized by law, it may acquire electrical energy, transmit energy, and supply energy to municipal facilities and other facilities its member cities own and serve. It would be able to operate as a utility, including the acquisition of property and facilities, hiring employees, and determining rates and charges for energy.
5. The member cities would be the City of Wichita and all other cities authorizing participation by resolution. Existing members could withdraw and new members join upon the approval of the Agency's board of directors.
6. The Board of Directors would be not less than 7 members, at least a majority of which are members of the governing bodies or their direct appointees. The Bylaws will establish the actual membership, quorum, terms, and selection process. The Board of Directors will elect officers.
7. The activities of the Board of Directors are subject to the Kansas Open Meetings Act.
8. The Agency will establish Bylaws. The Bylaws and their amendments are subject to the approval of 2/3 of the board of directors and may be rejected if two or more cities object to them.
9. The Agency will have a budget and be subject to the Kansas budget and cash basis laws.
10. The Agency may issue revenue bonds payable from the revenue of the Agency for its operations. The Agency may not levy taxes or issue general obligation bonds. The member cities are not liable for the obligations of the Agency.
11. The Board would have the authority to hire an executive director; alternatively, it could also receive its staff support from member cities. The City Clerk of the City of Wichita is designated as the registered agent of the Agency.

The City's participation in the Municipal Energy Agency through this Agreement is authorized by Resolution. Upon approval by all of the participating cities, the Agreement is to be submitted to the Attorney General for approval. The Agreement becomes effective upon the approval of the Attorney General and filing with the appropriate agencies.

There will be no significant costs in approving the agreement and creating the Agency. The activities of the Agency may require funding in the future. The successful operation of the Agency may ultimately result in electrical cost savings to the City and its residents.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Pisciotta moved that the Resolution be adopted; the necessary signatures be authorized; and the Agreement be filed with the Attorney General. Motion carried 7 to 0.

## RESOLUTION NO. R-99-213

A Resolution of the Governing Body of the City of Wichita approving the Southcentral Municipal Energy Agency Agreement pursuant to K.S.A. 12-885, et. seq., as amended, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

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## NEW BUSINESS

### PAVE HOLYOKE

#### PETITION TO PAVE HOLYOKE FROM 26TH STREET SOUTH TO 27TH STREET NORTH. (District I)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-365.

On March 2, 1999, the City Council considered a Petition to pave Holyoke from 25th Street North to 27th Street North. As a result of opposition from Grant Chapel AME Church, the Council reduced the scope of the project to paving the block between 25th and 26th Street. A new Petition has been submitted to pave the block between 26th and 27th Street. The signatures on the Petition represent 8 of 11 (72.7%) owners that own 40.8% of the improvement district area. CPO Council 1 considered the Petition on May 24, 1999. The Council voted 7-0 to recommend approval of the project. There were no area residents who spoke in opposition.

Holyoke is a sand road this is difficult to maintain and drains poorly. It serves an area comprised of single-family homes and a church building.

The estimated project cost is \$80,000. The funding source is special assessments. The method of assessment is the square foot basis. The estimated assessment rate is \$00.42 per square foot of ownership.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

James Rolfe

James Rolfe, member of the Northeast Neighborhood Association, thanked the property owners for signing the petition.

Billie E. Denson

Billie E. Denson, 2740 North Holyoke said the street is currently a health and safety hazard and urged that the petition be approved.

Anthony Hughes

Anthony Hughes, Grant Chapel American Church, said the improvement is needed but it will present an economic burden on some.

Motion --  
--carried

Rogers moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

#### RESOLUTION NO. R-99-214

Resolution of findings of advisability and Resolution authorizing improving of Holyoke from the north line of 26th Street North to the south line of 27th Street North (472-83121) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

### CESSNA INDUSTRIAL DISTRICT

#### INDUSTRIAL DISTRICT NON-ANNEXATION AGREEMENT WITH CESSNA AIRCRAFT COMPANY. (Districts III and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-566.

In May 1979, the City Council approved contracts with Cessna Aircraft Company which provided for the non-annexation of real property located within Industrial Districts which had been established by Sedgwick County, also in 1979, with the concurrence of the Wichita City Council. The non-annexation agreements have a term of 20-years, expiring in May of 1999. In late 1997, Cessna requested an extension of the agreements, along with Boeing and Raytheon who also have non-annexation agreements with the City, covering their respective industrial districts. Legal restrictions did not allow the City Council to approve the extensions in advance of their expiration. Instead, the Council adopted a resolution stating its support for the renewal and extension of the agreements, once they expire.

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Industrial Districts were established in Sedgwick County in 1979, at the request of the City of Wichita, primarily for the purpose of allowing the City to enter into non-annexation agreements with Cessna, Raytheon and Boeing. Two districts were established for Cessna (Wallace and Pawnee plants) and one each for Raytheon and Boeing. The City entered into non-annexation agreements with Cessna in May 1979, with Raytheon in August 1979 and with Boeing in September 1980. Each agreement has a term of 20 years, the maximum allowed by state law. The statute permits the renewal and extension of the agreements for successive terms, not to exceed 20 years, but only upon expiration of the prior term.

The purpose of the industrial districts and the non-annexation agreements is to foster greater economic growth for the community by judiciously reducing barriers to growth in the areas of regulation and taxation. In the case of Cessna, this strategy would appear to have worked phenomenally well. In the last ten years alone, employment at Cessna's Wichita plants has nearly tripled from 3700 to 9900 workers. Cessna now owns or leases over 4 million square feet of manufacturing and office space and 1,360 acres of land in Wichita and Sedgwick County. Cessna will add another 188,000 square feet of production space this year. After having issued over \$500 million in industrial revenue bonds since 1990, Cessna is now asking the City to issue an additional \$600 million IRBs over the next five years to finance on-going expansions and improvements to the Wichita facilities.

The current City's budget has not projected property tax revenue from property located within the Cessna industrial districts. There would be no reduction in City tax revenue as a result of the renewal and extension of the non-annexation agreement.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Martz moved that the Ordinances be placed on first reading; the Agreements be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance authorizing the execution of a supplemental contract to a contract dated May 15, 1979, and amended July 21, 1987, by and between the City of Wichita, Kansas, and the Wallace Industrial District of Sedgwick County, Kansas, relating to the annexation by said city of any part of such industrial district, introduced and under the rules laid over.

## ORDINANCE

An Ordinance authorizing the execution of a supplemental contract to a contract dated May 15, 1979, and amended July 21, 1987, by and between the City of Wichita, Kansas, and the Pawnee Industrial District of Sedgwick County, Kansas, relating to the annexation by said city of any part of such industrial district, introduced and under the rules laid over.

## LEGISLATIVE REPORT REPORT ON THE 1999 LEGISLATIVE SESSION.

Mike Taylor

Governmental Relations Director reviewed the Item.

The City of Wichita was involved in 38 legislative items and issues. There were 29 successes, three compromised successes, and 6 defeats.

The City had a success rate of 80.2 percent for the 1999 session.

Below is an estimated tally of the dollars which were added above and beyond current levels or saved by preventing legislation which would have caused losses of existing funds:

Railroad Corridor	\$50,000,000
Transit Funding	1,000,000
Road Maintenance	30,000
Tipping Fees	583,000
USD259 Franchise Fees	313,000
Library Funding	40,000
Bingo Tax	70,000
Parks/Recreation Grants	50,000

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## Priority Issues

Comprehensive Transportation Plan  
Central Rail Corridor  
Electric Rates  
Consolidation  
Rural Utility Sales Tax

## Results

Success  
Success  
Success  
Defeat  
Defeat

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.  
Motion – carried Knight moved that the Report be received and filed. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

### **VACATION REQUEST REQUEST TO VACATE SIDEWALK EASEMENT AND UTILITY EASEMENT SERVING COLEMAN SCHOOL, VACATE THE "NO FENCING" RESTRICTION - NORTH OF 13TH STREET, WEST OF GOVERNEOUR. (REQUESTED BY COUNCIL MEMBER PISCIOITTE)**

Council Member Pisciotte Council Member Pisciotte said he would like to have the neighborhood go through the process and have the item returned to the MAPC and CPO, and then be returned to the City Council. The \$350 fee should also be waived.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Chris Wallace Chris Wallace said her daughter had used the walkway with absolutely no problem. She now has another daughter in Coleman School who will also use the walkway. The walkway is the safest way to school.

Ms. Wallace implored the Council not to close the walkway.

Motion -- Pisciotte moved that the matter be referred to the CPO and MAPC, with the fee waived; and be returned to the City Council as soon as possible, preferably at the first Council meeting following the MAPC meeting.

Council Member Cole Council Member Cole said the previous Council had considered the matter and voted 6 to 1 against closure.

-- carried Motion carried 6 to 1. Cole - No.

### **BOARDS/COMM. TERM CONSIDERATION OF REMOVAL OF TERM LIMITS FOR CITY BOARDS/COMMISSIONS. (REQUESTED BY COUNCIL MEMBER COLE)**

Council Member Cole Council Member Cole said she had several appointees who would like to continue to serve but who could not because of term limitations.

Council Member Cole asked that the Council consider adding two or four years for a total of ten or twelve year terms.

Council Member Rogers Council Member Rogers spoke in support of the proposal and said involvement should be gauged by performance, not by time.

The term limits should be consistent with the term limits of the City Council.

Council Member Lambke Council Member Lambke said elimination of term limits restricts the number of people who can participate in government.

Council Member Martz Council Member Martz expressed concern regarding how it would be determined who would have additional time.

Council Member Pisciotte Council Member Pisciotte spoke of opportunity to participate and accountability - the relationship between appointee and council member.

Motion-- Cole moved that consideration of changing term limitations or removal of term limitations be considered at a later time and, in the interim, all reappointments to Historic Preservation and MAPC be for an additional two years.

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Gary Rebenstorf                      Director of Law said an appointed person serves until a successor is appointed.

Mayor Knight                        Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Amendment --                        Cole, with consent of the second, amended the motion to ask for consideration of extension of years or removal of  
-- carried                              term limits at a later time. Motion carried 6 to 1. Knight - No.

## **COUNCIL TERM LIMITS DISCUSSION OF REMOVING TERM LIMITS FOR CITY COUNCIL MEMBERS. (REQUESTED BY COUNCIL MEMBER ROGERS)**

Council Member Rogers              Council Member Rogers said the only thing term limits does is remove effective persons from office.

Council Member Lambke              Council Member Lambke said the voters have previously spoken on this issue but he would not object to a vote before the voters.

Mayor Knight                        Mayor Knight said any change would have to be made through the voters.

Council Member Cole                Council Member Cole spoke in support of putting the question to the voters.

Mayor Knight                        Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Consensus of the Council was that the comments would be taken under advisement and Council Member Rogers would return to the City Council with specific recommendations.

## **COUNCIL STATUS DISCUSSION OF CHANGING COUNCIL MEMBER'S STATUS FROM PART-TIME TO FULL-TIME. (REQUESTED BY COUNCIL MEMBER ROGERS)**

Council Member Rogers              Council Member Rogers said the issue is how one has time to make effective decisions on a part-time schedule. City Council positions are full-time positions, not part-time.

Council Member Pisciotte              Council Member Pisciotte spoke of concern for opportunity for all citizens to serve on the City Council and whether everyone would have opportunity with full-time or part-time status.

There should not be hardship with jobs either.

Council Member Cole                Council Member Cole said she was willing to visit the issue and had made her choice to work full-time.

The voters should look at the issue and the rules should be started after the current members have served their terms/

Council Member Lambke              Council Member Lambke added that any pay increase should not be received until positions were newly elected.

Council Member Lambke also questioned whether the City would get better decisions with more pay.

Council Member Martz                Council Member Martz said more pay might make it possible for more qualified people to serve.

Council Member Gale                Council Member Gale said he would like to have community dialogue and a vote by electors.

Mayor Knight                        Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Consensus of the Council was that the comments would be taken under advisement and to allow Council Member Rogers to bring back recommendations at a later date.

## **APPOINTMENTS APPOINTMENTS TO CITY ADVISORY BOARDS/COMMISSIONS.**

Motion --                              Knight moved that Tony Zimbelman (Knight), Bern Herten (Pisciotte) be appointed to the Board of Code Standards and Appeals and the appointments be approved. Motion  
-- carried                              carried 7 to 0.

Motion --                              Knight moved that Howard Runft (Gale), Mary Garrelts (Pisciotte) be appointed to the Board of Housing Commissioners and the appointments be approved. Motion carried  
-- carried                              7 to 0.

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- Motion -- Knight moved that Mitch Mitchell (Knight), Joe McLeland (Martz), June Bailey (Gale), William Sanders (Rogers), Andy Schlapp (Pisciotte), and Leon Robinson (Lambke) be appointed to the Board of Park Commissioners and moved the appointments be approved.  
-- carried Motion carried 7 to 0.
- Motion -- Knight moved that Dave Babich (Pisciotte), Floyd Pitts (Rogers), be appointed to the Board of Zoning Appeals and moved that the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that James Guy (Knight), Claire Willenberg (Rogers) be appointed to the Historic Preservation Board and the appointment be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Gillard Cohen (Knight), Ed Koon (Gale), Kellie Pitts and Vashti Lewis (Rogers), Lois Ruby and Don Barry (Pisciotte), and Sarah Bagby (Lambke) be appointed to the Library Board and moved that the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Chris Carraher (Gale), George Platt (Rogers), Jerry M. Michaelis (Pisciotte, and Frank Garofalo (Lambke) be appointed to the Metropolitan Area Planning Commission and moved that the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Carolyn Conley (Knight), and Carl Enterkin (Gale) be appointed to the Police 7 Fire Retirement Board of Trustees, and the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Larry Flemming (Knight), Robert Alford (Rogers), and John E. Dugan (Lambke) be appointed to the Wichita Airport Authority and the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Coleen Didier (Gale) and Kevin Harrison (Rogers) be appointed to the Wichita Employees Retirement Board and the appointments be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Woodrow W. Goodvin, Jr. (Knight) and Bart Hildreth (Pisciotte) be appointed to the Wichita Public Building Commission and the appointment be approved. Motion carried 7 to 0.  
-- carried
- Motion -- Knight moved that Kathy Dittmer (Cole), Charlotte Hays (Gale), and Dr. Val Brown, Jr. (Rogers) be appointed to the Wichita-Sedgwick County Board of Health the appointments be approved. Motion carried 7 to 0.  
-- carried

## **TRAVEL APPROVAL      APPROVAL OF COUNCIL MEMBER ROGER'S TRAVEL, JULY 8-9, 1999, TO EL PASO, TEXAS, FOR SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION MEETING**

- Motion -- carried Knight moved that the travel expenses be approved. Motion carried 7 to 0.

## **ADDENDUM ITEM      APPROVAL OF COUNCIL MEMBER PISCOTTE'S TRAVEL, JUNE 23-26, TO PHILADELPHIA, PA, FOR ALL-AMERICAN CITY AWARD.**

- Motion -- carried Knight moved that the travel expenses be approved. Motion carried 7 to 0.

## **CONSENT AGENDA**

Knight moved that the Consent Agenda, except Item 18, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

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## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 7, 1999.

Bids were opened June 11, 1999, pursuant to advertisements published on:

POLICE DEPARTMENT/NA DIVISION: Parking Lot Expansion at 211 East Pawnee (792150)

McFadden Construction Co., Inc. - \$9,100.00 (Total base bid)  
\$100.00 (Total option 1/add)  
\$300.00 (Total option 2/add)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Water Line Replacement at Health Department, 1900 East 9th Street (141010)

The Waldinger Corp - \$58,798.00 (Total base bid)  
\$ 27.70 (Total option 1/add per foot)  
\$14,880.00 (Total option 2/add)  
\$ 3,100.00 (Total option 3/add)

VARIOUS DEPARTMENTS/NA DIVISION: 4-WHEEL Drive 72" Front Deck Mowers (130807)

Outdoor Equipment - \$64,995.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: PLC Hardware Replacement at Cowskin Creek Lift Station (184432)

Shelley Electric, Inc. - \$14,100.00 (Lump sum total)

PARK DEPARTMENT/PARK MAINTENANCE DIVISION: 30' X 30' Square Shade Structure (785766)

Ponca Products, Inc. - \$6,400.00 (Total net bid)

POLICE DEPARTMENT/LABORATORY DIVISION: Spectrometer System (600528)

Nicolet Instrument Corporation - \$28,367.25\* (Total net base bid)  
<\$2,000.00 (Option 1/deduct)

\*Add \$75.00 for inside delivery

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Yong C. Chon	Manna Wok Restaurant*	4865 East Harry

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

a. Water Distribution System to serve Janzen Second Addition - north of 31st Street South, east of West Street. (448-89386/734926/654321) Does not affect existing traffic. City Council approval date: 6/8/99. (District IV).

Motion --

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., June 25, 1999.

-- carried

Motion carried 7 to 0.



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## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

- a. 1998 water main replacement program, Northeast - south of 13th Street, east of I-135. (448-89200/634865/544141) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/98. (District I) - \$1,374,662.31
- b. Left turn lane on Washington Street to serve Perry's Addition - at Washington, south of Lincoln. (472-83037/765550/490661) Traffic to be maintained through construction. City Council approval date: 1/12/99. (District I) - \$36,380.00
- c. Meridian Avenue, I-235 to north City limits. (472-82789/706531/405207) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/14/98. (District VI) - \$2,076,260.85

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## PETITIONS

### WATER DISTRIBUTION SYSTEM TO SERVE PART OF KELL HAWKINS ADDITION - AT DORIS, SOUTH OF CENTRAL. (District IV)

Agenda Report No. 99-568.

The City Council previously approved Petitions to extend a public water line along Doris, south of Central. Two additional Petitions have been submitted which will spread a portion of the cost to these two lots and allow the owners to pay for a share of the cost over 15 years. Each Petition has been signed by two owners representing 100% of the improvement district.

The project will serve two single-family homes.

The projects total \$2,550. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. R-99-215

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89391 (at Doris, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### RESOLUTION NO. R-99-216

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89384 (at Doris, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE PEBBLEBROOK ADDITION - NORTH OF PAWNEE, WEST OF WEBB. (District II)

Agenda Report No. 99-569.

The signatures on the Petitions represent five owners that own 100% of the improvement districts.

Pebblebrook Addition, a new single-family development, was platted in 1993. The developer has submitted new Petitions to reconfigure the area to meet the current rate of home sales.

The Petitions total \$527,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. R-99-217

Resolution of findings of advisability and Resolution authorizing construction of Water distribution System Number 448-89385 (north of Pawnee, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-218

Resolution of findings of advisability and Resolution authorizing construction of Lateral 120, War Industries Sewer (north of Pawnee, west of Webb) Project No. 468-82279 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-219

Resolution of findings of advisability and Resolution authorizing improving of Cooper, from the south line of Lot 4, Block 7, south to the south line of the plat; Stafford and Beech, from the east line of Cooper, east and north to the south line of Elmwood; Stafford Court, (Lots 26 through 29, Block 2, from the south line of Stafford, south to and including the cul-de-sac, and Stafford Court, Lots 22 through 25, block 2, from the south line of Stafford, south to and including the cul-de-sac (north of Pawnee, west of Webb) Project No. 472-82304 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 5-3-99  
CPO Coordinating Board, 6-2-99

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

(Item No. 18)

## DESIGN SERVICES AGREEMENTS

### AGREEMENT FOR DESIGN SERVICES FOR REGENCY PARK ADDITION - 29TH STREET NORTH AT THE NORTHEAST SOCCER/BASEBALL COMPLEX. (District II)

Chris Cherches

City Manager reviewed the Item.

Council Member Cole left the Bench.

Agenda Report No. 99-570.

The City Council approved the plat on May 11, 1999.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design bond financed improvements in Regency Park Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,900 and will be paid by General Obligation Bonds.

Motion -- carried

Pisciotte moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Cole absent)

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## EQUUS BEDS

(Council Member Cole present)

### EQUUS BEDS RECHARGE DEMONSTRATION PROJECT.

Agenda Report No. 99-571.

On August 31, 1993, the City Council approved and instructed Staff to implement the Integrated Local Water Supply Plan recommended in the Water Supply Plan developed by Burns and McDonnell/Mid-Kansas Engineering Consultants. The Plan identified cost-effective water resources that would be adequate to meet Wichita's water needs to the year 2050. On February 7, 1995, the City Council approved Phase I-Project I of the Equus Beds Recharge Demonstration Project, and on November 14, 1995, approved Phase I-Project II. The purpose of the Equus Beds Recharge Demonstration Project is to determine whether excess flows in the Little Arkansas River can be used to recharge the Equus Beds Wellfield and if the local wellfield can be expanded.

One of the major tasks of the Water Supply Study was to project the City's future water needs to the year 2050. The Plan evaluated 27 different water supply options and then developed the Integrated Local Water Supply Plan. Projections estimated that the population served by Wichita's water supply system would increase from 335,000 to 558,000. Based on the projected use of water by the population, it is estimated that the average day water usage will increase from the 62 million gallons per day (MGD) to 112 MGD, and that the peak day demand will increase from 125 MGD to 225 MGD.

The recharge of the Equus Beds Wellfield, using water from the Little Arkansas River, is a major component of the Local Integrated Supply Plan. The methods and approaches needed to recharge the Wellfield have not been previously attempted. Thus, an Equus Beds Recharge Demonstration Project was needed in order to verify that the concepts developed in the Water Supply Plan would work and to assure that the recharge activities would have no adverse environmental impact.

Phase II of this project includes operational monitoring of the recharge efforts, evaluating the effectiveness of various recharge techniques, monitoring environmental effects of the pumping and recharge activities, and review of water quality data collected during the testing. These efforts will occur over a 30-month period.

The Supplemental Agreement is for \$347,270 in engineering services. It is anticipated that some federal assistance will continue to be available for this project. Funding for this project is included in Bank Storage Concept Pilot (CIP W-403) with an allocation of \$1,000,000 for 1999

Motion --

Knight moved that the Resolution be adopted; the notice of intent to publish be authorized; the Supplementary Agreement be approved; and the necessary signatures be authorized.. Motion carried 7 to 0.

### RESOLUTION NO. R-99-220

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$347,270, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law. . Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

## LIEN RELEASES

### RELEASE OF CONTRACTUAL LIEN AGREEMENTS FOR SPECIAL ASSESSMENTS ASSISTANCE PLAN.

Agenda Report No. 99-572.

Special Assessment Assistance Grant Applications were accepted and approved for eleven people during the period from 1982 to 1983. A requirement of receiving the grant was the filing of a lien on the property. All of the Assistance Grants and liens were for fifteen year terms and expired between 1997 and 1998.

The liens have no outstanding balances. All were terminated by or before December 31, 1998.

Motion --  
-- carried

Knight moved that the release of Lien Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## PUMP REPAIRS

### PUMP REPAIRS AT STORM WATER PUMP STATION #3. (District IV)

Agenda Report No. 99-573.

On February 23, 1999, the City Council approved a bid from Fairbanks Morse to repair pumps one and four at Pump Station Three. The contract amount was \$98,424.00. It has been determined that an additional \$16,401 will be needed to install replacement shaft sleeves on the shaft of the pump. These sleeves are not normally found on this particular type of pump and were undetectable prior to the pumps being disassembled. Thus, this work was not initially anticipated when the project was bid.

A Change Order has been prepared to authorize the additional repair work.

The cost of the additional work is \$16,401. The funding source will be the Storm Water Utility Operating budget.

Motion --  
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## COWTOWN PROJECT

### CAPITAL PROJECT - COWTOWN.

Agenda Report. No. 99-574.

The City Council previously approved participation in the Cowtown capital campaign in the amount of \$825,000; Sedgwick County is providing a like amount; and Cowtown has undertaken a private fund raising effort of \$1.54 million to match the combined City-County public funds.

The City's share of the project was included in the City' Capital Improvement Program. As the Cowtown project is unfolding, the administration of the program will take place in small incremental amounts over an extended period of time. The fragmented capital project administration does not lend itself well to the City's processes on capital projects and will likely result in delays providing funding to Cowtown, and extensive paper work to track the effort for inclusion in multiple city bond sales spread, potentially, over several years.

To avoid the complications in project administration, it is proposed that this project be converted to a cash funded capital project through a transfer of expected under-expenditures in the 1999 General Fund. This will permit the City to go forward to make immediate remittances to Cowtown for the City's share of the over all Cowtown improvements as they progress.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

## ELECTRICAL SYSTEM IMPROVEMENTS

### ELECTRICAL SYSTEM IMPROVEMENTS FOR THE WATER TREATMENT PLANT AND HESS PUMP STATION - NEW LINE FROM KGE.

Agenda Report No. 99-575.

On September 28, 1995, there was a catastrophic loss of water service. On December 19, 1995, the City Council approved a project to improve the reliability of the electrical system that serves the Water Treatment Plant and the Hess Pump Station.

One of the recommendations for improving the electrical system reliability was to install an additional transformer to provide a third electrical source to the water facilities. KGE has reviewed the power requirements for the third source and has determined that the current electrical lines would not be adequate to safely provide power to the third transformer.

The original proposal from KGE would have required the City to pay for the cost of installing a new line and the cost to reserve 3.1 megawatts of capacity at the Riverside Substation for a total of over \$400,000. Staff negotiated a proposal with KGE that would obligate the City to pay for the cost of installing a new line, \$120,000, and to assume the cost of any additions to the Riverside Substation, up to 3.1 megawatts, until the year 2017. Staff believes that there is a minimal probability that the Riverside Substation would need to be expanded in the future, and it would be better to pay for "actual" expansions rather than "potential" expansions

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KGE has submitted a Customer Charge Order to initiate the construction of the third electrical service. They will be submitting a contract to obligate the City to pay for potential upgrades to the Riverside Substation and that contract will be submitted to City Council for final approval.

There are three alternatives available for City Council:

1. Pay all of the costs of installing the new line, and the cost to reserve capacity at the Riverside substation now - \$400,000.
2. Pay the cost of installing the new line, \$120,000, and defer paying for any substation costs until, or unless, they are actually needed.
3. Do not install the third electrical line.

The cost to install the new electric line is \$120,000. During negotiations with KGE, a project was included in the CIP program, project W-800, with a budget of \$120,000 to pay for this.

KGE is a local utility, and the sole source for this project.

Motion --

Knight moved that Alternative Two be approved; the Resolution be adopted; the notice of intent to publish and the proposal from KGE to install a new electric line and obligate the City to fund future potential expansions of the Riverside Substation be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-99-221

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$120,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## AIRPORT ROOF

### CAPITAL PROJECT - AIRPORT AUTHORITY ROOF REPLACEMENT/REPAIRS.

Agenda Report No. 99-576.

The project is Roof Replacements/Repairs (A-55 substitute) and represents the replacement/repair of roofs on Authority owned buildings at Mid-Continent Airport subject to further action and approval by the Authority. This project was initiated by the Authority on June 7, 1999. This project is being done in substitute of the Replace Terminal Building Pumps project that has been included in a Capital Improvement Program of the City of Wichita.

The maximum permanent financing term for this project would be 10 years. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$100,000.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-223

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## AIRPORT CABLE

### CAPITAL PROJECT - AIRPORT AUTHORITY HIGH VOLTAGE CABLE REPLACEMENT.

Agenda Report No. 99-577.

The project is High Voltage Cable Replacement (500389) and represents a three-phase improvement that will be made to Mid-Continent Airport subject to further action and approval by the Authority. Phase I of this project was initiated by the Authority on January 6, 1997 and amended on May 19, 1997. Phase I was initiated by the City Council on January 14, 1997 and amended on June 3, 1997. Phase II of this project was initiated by the Authority

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on November 17, 1997 and amended on August 17, 1998. Phase II was initiated by the City Council on December 9, 1997 and amended on August 25, 1998. The initiation was increased by the Authority on June 7, 1999. The project utilizes partial funding from Passenger Facility Charges. The project has been included in a Capital Improvement Program of the City of Wichita.

The previously initiated amount is being increased to reflect additional transformer work necessitated by the pending concourse remodel project. The maximum permanent financing term for this project would be 15 years. Passenger Facility Charge collections have been approved to fund the eligible portions of this project. A rate structure exists that provides for partial cost recovery of non-PFC eligible amounts over the financing term. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$509,400 (an increase of \$70,000)

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-224

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## AIRPORT UTILITY

### CAPITAL PROJECT - AIRPORT AUTHORITY UTILITY EXTENSION AND MODIFICATIONS.

Agenda Report No. 99-578.

he project is Utility Extension & Modifications (500553) and represents the provision of needed utilities and pavement connectors to the Taxiway H development area at Mid-Continent Airport subject to further action and approval by the Authority. This project was initiated by the Authority on November 17, 1997 and by the City Council on December 9, 1997. The initiation was increased by the Authority on June 7, 1999. The project has been included in a Capital Improvement Program of the City of Wichita.

The previously initiated amount is being increased to reflect construction of water, sewer, electrical and pavement improvements needed in connection with the development of the Taxiway H area. Facilities are currently being constructed by two tenants in this area. The maximum permanent financing term for this project would be 15 years. A rate structure exists that provides for partial recovery of the cost of these improvements over the financing term. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$240,000 (an increase of \$140,000).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-225

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## AIRPORT - JARABA

### CAPITAL PROJECT - AIRPORT AUTHORITY JABARA APRON AND TAXIWAYS.

Agenda Report No. 99-579.

The project is Jabara Apron and Taxiways (510065) and represents the provision of needed utilities and roadway to the Taxiway L development area at Colonel James Jabara Airport subject to further action and approval by the Authority. The design phase of this project was initiated by the Authority on August 18, 1997 and by the City

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Council on August 26, 1997. The initiation was increased by the Authority on June 7, 1999. The project has been included in a Capital Improvement Program of the City of Wichita. Details regarding the project are disclosed in the Project Finance Proposal.

The previously initiated amount is being increased to reflect construction of water, sewer, roadway and drainage improvements needed in connection with the development of the Taxiway L area. Two hangars are currently being constructed by tenants in this area. The maximum permanent financing term for this project would be 15 years. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$320,000 (an increase of \$150,000).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-226

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## PUMP STATIONS

### DEMOLITION OF MURDOCK AND LINCOLN STREET PUMP STATIONS. (Districts I, III)

Agenda Report No. 99-580.

The Water and Sewer Department has two pump stations, one located at Murdock and Belmont, and the other at Lincoln and Bluff. The Murdock Pump Station and adjacent above-ground storage tank were constructed in 1947, and the Lincoln Street Pump Station was constructed in 1955.

When these pump stations were constructed, they were needed to provide adequate water pressure in the distribution system, especially during peak demand periods. Since the time the two were constructed, there have been numerous improvements made to the water distribution system. As a result of the improvements, the pump stations are no longer needed.

The demolition of the pump stations is part of the Capital Improvement Program. The CIP includes Project W-543 to demolish the Lincoln Pump Station and W-544 to demolish the Murdock Pump Station; however, the CIP plan is for the years 2002 and 2006, respectively. The exteriors of the stations and the tanks have continued to deteriorate to the point that residents in the neighborhoods near the facilities have expressed concerns about their appearance. Therefore, it is recommended that the CIP be amended to have those facilities demolished in 1999.

The two demolition projects are included in CIPs W-543 to demolish the Lincoln Pump Station for \$270,000, and W-544 to demolish the Murdock Pump Station for \$300,000.

Motion --  
-- carried

Knight moved that the amendment to the CIP and the notice of intent to publish be approved; the demolition of the pump stations be authorized; and Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-222

A resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$570,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law. . Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

## TRADE CORRIDOR

### MEMBERSHIP OF NORTH AMERICAN INTERNATIONAL TRADE CORRIDOR PARTNERSHIP.

Agenda Report No. 99-581.

The First Summit of Mayors was held April 3, 1997, in San Nicolas de Los Garza Monterrey, Mexico. This Summit resulted in an Agreement of Intention whereby cities in Mexico, the United States and Canada pledged to

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work together to develop North-South trade opportunities and strategies. The Second Summit of Mayors was held in Kansas City in September 1997, a Third Summit was held in Canada in May 1998, and a Fourth Summit of Mayors was held in Naucalpan, Edo. de Mexico in November, 1998.

On February 19, 1999, this organization became legally incorporated as the North American International Trade Corridor Partnership, A.C. (NAITCP). This organization still has as its mission the need to establish a partnership of North American Communities linked by an international trade corridor, through a commitment of resources and communications for sustainable economic development. To provide more structure to this organization, headquarters were established in San Nicolas de Los Garza, N.L. Staff are in the process of developing an action plan for the NAITCP.

The next meeting of NAITCP (formerly Summit of Mayors) will be September 22nd through September 25th, in Kansas City, Kansas. It is proposed that the City contribute \$5,000 to this organization which enables it to become a sponsoring partner. As a partner, the City has a voice and a vote in the Council of Mayors; has a right to participate in the Board of Directors (if elected); and will be listed in the promotional material, the directory and on the NAITCP Web site. The City will also be able to access any studies, research papers and reports provided by the NAITCP staff.

Financial participation in the amount of \$5,000 is available in the City's General Fund.

Motion -- carried

Knight moved that the membership be authorized. Motion carried 7 to 0.

## **ELECTRICAL STANDBY, EMERGENCY STANDBY ELECTRICAL GENERATION.**

Agenda Report No. 99-582.

For emergency standby operations, it is proposed to install backup electrical generators at four public safety facilities. These facilities include: Fire Station 1, 731 N. Main; Fire Station 8/Police Substation West, 661 N. Elder; Fire Station 9/Police Substation East, 350 S. Edgemoor; and Fire Maintenance, 500 S. Topeka.

This action is being taken to provide backup electrical power to selected Fire & Police Substation facilities in the event of a widespread loss of primary electrical utility service. The four facilities receiving electrical backup generators are located in four different quadrants of the City (North, South, East and West). This placement should provide for an efficient response to widespread electrical service failure to maintain Fire and Police response capability while minimizing costs for the same. Because of the uncertainties that can occur with storm outages and the remote possibilities of a Y2K problem, such generation is considered to be a necessary precaution for the City to take in its emergency preparedness planning.

It is estimated that the costs of these units will not exceed \$180,000. Funding is available in General Fund reserves. There is no impact on the Fire Department operating budget.

Motion -- carried

Knight moved that the project be authorized not to exceed \$180,000. Motion carried 7 to 0.

## **ENERGY AUDIT**

### **ENERGY AUDIT - WATER AND SEWER DEPARTMENT.**

Agenda Report No. 99-583.

A major portion of the Water and Sewer Department's operation and maintenance budget is used to pay electrical costs to operate the City's water and sewer facilities. The 1999 budget includes over \$4.3 million for utility expenses. On December 27, 1997, the City Council approved a contract with Burns and McDonnell and Mid-Kansas Engineering Consultants to perform an energy audit of the City's water and sewer facilities. The City was concerned that the department's energy costs were higher than the water and sewer industry's norms. The audit was to determine if the department's facilities were utilizing energy efficiently and to see what modifications might be possible in order to reduce energy costs.

The Energy Audit included a review of the equipment and operations that account for 99.5% of the Water & Sewer Department's energy usage. Some of the major items determined in the audit were:

- 1) The use of elevated storage tanks was not a cost-effective way to reduce water pumping costs.
- 2) The City would save \$170,000 per year if it could get KGE to put the Hess Pump Station and the Cheney and Equus Beds accounts on a "High Load Factor" rate code.
- 3) Adding a control valve to the hydroelectric plant at the Water Treatment Plant could save \$10,000 per year.



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- 4) It was found that Sewage Treatment Plant #2 was being billed at a different rate code than it was supposed to be, which was costing \$170,000 per year. Staff had requested that STP#2 be put on the "high load factor" rate code over one year ago.
- 5) Recent modifications at the City's sewage treatment facilities, such as the use of "fine-bubble" diffusers and combining the solids handling for both treatment plants at STP #2, have resulted in significant energy savings.
- 6) Construction of cogeneration facilities using waste digester gases at STP #2 would not be cost-effective.

A number of creative and alternative measures to reduce the department's energy costs were included in the audit; however, most of them were not cost-effective. The conclusion was that the Water & Sewer Department, with its current equipment, system schemes, and operational philosophy, is providing service to its customers on an energy-efficient basis. Staff has, or will, pursue all items that reduce energy costs and provide an acceptable payback.

Implementation of the recommendations and findings in the Energy Audit would reduce the department's annual energy costs up to \$350,000 per year.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

## PROPERTY DISP.

### DONATION OF SIDEWALK AT TOWNE PARK TO MCCONNELL AFB. (District II)

Agenda Report No. 99-584.

The City has made improvements to Towne Park in southeast Wichita to make the park accessible to all park users, including the addition of a paved pathway. This paved pathway extends over that portion of the park which is owned by McConnell AFB. The Department of Park and Recreation requests that the City of Wichita donate to McConnell AFB that portion of sidewalk that now exists on their property.

In the Fall of 1998 the City undertook a cooperative project with McConnell AFB to construct a six foot concrete sidewalk at Town Park in southeast Wichita principally to provide for handicap accessibility and for recreation purposes. A portion of this sidewalk extends onto the park property owned by McConnell AFB, near Wineteer School. Since both the City of Wichita and McConnell AFB owned property for the project, the City of Wichita provided funding for the sidewalk in the amount of \$10,383 and McConnell AFB contributed \$7,500, for a total project cost of \$17,883. McConnell AFB has requested that they receive as a donation from the City the portion of the sidewalk on government property.

Motion --  
-- carried

Knight moved that the donation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### SALE OF PUBLIC-OWNED PROPERTIES. (District I)

Council Member Rogers

Council Member Rogers declared a conflict of interest and abstained from participation on this Item.

Agenda Report No. 99-585.

An offer of \$600.00 per lot has been received from Gary Ingram for nineteen scattered vacant residential lots. The parcels are located in the McAdams area and in the near northeast area. The lots range in size from 6,412 square feet to 10,500 square feet. All of the properties are zoned single family residential and are located in residential areas. The majority of these properties are lots that were acquired for the infill project and later proved to surplus to the needs of the project.

The parcels have been offered for sale since they were determined to be surplus to the Infill Project in 1995. They have been publicly advertised, signed, and included in marketing mailings. The only market interest to date includes the sale of one lot for \$1,350 in 1997 and an offer of \$500 on another lot which later was withdrawn.

The City will receive \$11,400, net of closing costs and commissions, for the sale of the properties and the parcels will return to the tax rolls. In addition, the City will no longer be responsible for mowing and the maintaining the lots, the cost of which averages about \$200 per year.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. Rogers abstained.

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## FIRST READING ORDINANCE.

Motion – carried

Knight moved that the Ordinance be placed on first reading Motion carried 7 to 0.

- a. \Weed Cutting.

### ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JUNE 8, 1999)

- a. PUD-4 Zoning - northwest corner of Pawnee and Water. (District III)

### ORDINANCE NO. 44-270

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010,, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Acquisition of right-of-way by eminent domain - Maize Road to 119th Street West. (District V)

### ORDINANCE NO. 44-271

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for Maize Road to 119th Street West project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. Sidewalk repair.

### ORDINANCE NO. 44-272

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. Building condemnations.

### ORDINANCE NO. 44-273

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- e. Lot clean up.

### ORDINANCE NO. 44-274

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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f. Sidewalk Cleaning.

## ORDINANCE NO. 44-275

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of sidewalk cleanup in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## PLANNING AGENDA

Marvin Krout, Director of Planning, said Items 33 through 37 could be taken as consensus Item.

Motion --  
-- carried

Knight moved that Items 33 through 37 be approved as consensus Items. Motion carried 7 to 0.

**D-1758**

### **D-1758 - DEDICATION OF CONTINGENT STREET RIGHT-OF-WAY LOCATED ON THE NORTHWEST CORNER OF 21ST STREET AND MAIZE ROAD.** (District V)

Agenda Report No. 99-586.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated lot split (L/S 0996), this dedication is being made for the purpose of additional street right-of-way for 21st Street North contingent upon the removal of the existing structures located on the site.

Motion -- carried

Knight moved that the dedication be approved. Motion carried 7 to 0.

**D-1759**

### **D-1759 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND MAIZE ROAD.** (District V)

Agenda Report No. 99-587.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated lot split (L/S 0996), this dedication is being made for the purpose of construction and maintenance of utilities.

Motion -- carried

Knight moved that the dedication be approved. Motion carried 7 to 0.

**S/D 98-8**

### **S/D 98-8 - PLAT OF MOBILE MANOR SOUTH 2ND LOCATED ON THE EAST SIDE OF MERIDIAN, ON THE SOUTH SIDE OF MACARTHUR ROAD.** (District IV)

Agenda Report No. 99-588.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3260) was approved to GC, General Commercial for the northern lot and to MH, Manufactured Housing for the southern lot. Lot 1 is subject to a Protective Overlay which addresses uses, screening, parking and lighting. An off-site drainage agreement was provided in accordance with the approved drainage plan. A Protective Overlay Certificate has been provided identifying the approved Protective Overlay and its special conditions for development.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should

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be withheld until such time as the Plat is recorded with the Register of Deeds.

The drainage agreement and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --

Knight moved that the plat be approved and the necessary signatures be authorized; the document(s) be received and filed; and the associated zone change Z-3260 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3260

S/D 98-54

### **S/D 98-54 - PLAT OF ROBBINS' ACRES ADDITION LOCATED ON THE WEST SIDE OF ROCK ROAD, SOUTH OF 47TH STREET SOUTH.**

Agenda Report No. 99-589.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of Wichita's boundary.

The site has been approved by the Health Department for the use of on-site sanitary sewer and water facilities. Restrictive covenants were required to permit twin sewage lagoons for four of the lots. A letter of credit was submitted to guarantee the installation of the interior street. The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive noise covenant were required. In order to provide for the ownership and maintenance of the floodway reserve, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenants and avigational easement will be recorded with the Register of Deeds.

Motion --

Knight moved that the plat be approved and the necessary signatures be authorized; the document(s) be received and filed; Motion carried 7 to 0.

-- carried

S/D 98-90

### **S/D 98-90 - PLAT OF FAMILY GOLF CENTER ADDITION LOCATED NORTH OF CENTRAL AND EAST OF WEBB ROAD.** (District II)

Agenda Report No. 99-590.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

A zone change (SCZ-0772) from SF-20, Single-Family Residential to LI, Limited Industrial has been approved for a portion of this site subject to platting. Subsequent to the zone change, the site has been annexed by the City. City water and sanitary sewer service is available to serve the site.

A petition, 100%, has been submitted for street improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

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Motion --

Knight moved that the plat be approved and the necessary signatures be authorized; the document(s) be received and filed; the Resolutions be adopted; and the associated zone change SCZ-0772 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with carried the Register of Deeds. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-99-227

Resolution of findings of advisability and Resolution authorizing improving of a right turn lane on the east side of Webb Road to serve entrances into Lot 1, block 1, Project No. 472-83123 (east of Webb, north of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. SCZ-0772

S/D 99-20

### **S/D 99-20 PLAT OF SMITHMOOR 9TH ADDITION LOCATED SOUTH OF HARRY, ON THE WEST SIDE OF GREENWICH.** (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-591.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (7-3)

Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. Other petitions, all 100%, have been submitted for water, paving, drainage and street improvements. Both a City and County Certificate of Petitions have been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

The negative Planning Commission votes indicated the Commissioner's concern with the connection of this plat with the adjoining property to the south. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Mayor Knight momentarily absent.

Motion --

Pisciotte moved that the plat be approved and the necessary signatures be authorized; the document(s) be received and filed; the Resolutions be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-99-228

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89400 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-229

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89398 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## RESOLUTION NO. R-99-230

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89387 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-231

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 146 (south of Harry, west of Greenwich) Project No. 468-82994 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-232

Resolution of findings of advisability and Resolution authorizing improving of a left turn lane on Greenwich Road at the intersection of Greenwich and Mount Vernon, Project No. 472-83110 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-233

Resolution of findings of advisability and Resolution authorizing improving of Mt. Vernon from the east line of Lot 3, Block 5, to the east line of Lot 20, Block 6, Longlake Street from the east line of Lot 10, Block 6, to the southeasterly line of Lot 15, Block 6, Justin Street from the southeasterly line of Lot 16, Block 6, to the north line of Mt. Vernon, and; Justin Circle from south line of Mt. Vernon to and including cul-de-sac, Project No. 472-83109 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-234

Resolution of findings of advisability and Resolution authorizing improving of Mt. Vernon from the east line of Lot 26, Block 3, to the east line of Lot 3, Block 5, Longlake Street from the north line of Mt. Vernon to the east line of Lot 10, Block 5, and; Mt. Vernon Court from the north line of Lot 27, Block 3, Smithmoor Ninth Addition, south to and including cul-de-sac, Project No. 472-83108 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-235

Resolution of findings of advisability and Resolution authorizing improving of Chateau from the north line of Lot 1, block 1, south to and including cul-de-sac; Mt. Vernon from west line of Lot 1, Block 1, to the east line of Lot 265, Block 3; Smithmoor Street from south line of Mt. Vernon to the east line of Lot 18, Block 3, and; Leeann Lane from the east line of Lot 18, Block 3, Smithmoor Ninth Addition to the south line of Mt. Vernon, Project No. 472-83107 (south to Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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A 99-5

**A 99-5 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF 37TH STREET NORTH, BETWEEN BROADWAY AND HILLSIDE AVENUE, TO THE CITY OF WICHITA, KANSAS.** (Districts I & VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-592.

A resolution is for consideration by the City Council to establish a future public hearing date of August 17, 1999 for consideration of a unilateral annexation. The properties proposed for annexation are located north and south of 37th Street North, between Broadway and Hillside Avenue. Properties located west of Hydraulic are within District VI, while properties located east of Hydraulic are within District I.

This is the first phase of a two-phase annexation. The subject area of this annexation is approximately 149 acres and consists of 15 unplatted properties and portions of 37th Street, 33rd Street, Hillside and Old Lawrence Road. The land-use pattern consists of two (2) residential tracts, five (5) farm related tracts, four (4) commercial tracts, one (1) industrial tract and three (3) vacant tracts. The majority of the area is zoned "LI" Limited Industrial and "GI" General Industrial, with a few intersection corners zoned "LC" Limited Commercial. These properties will retain their existing zoning following the annexation. A portion of the land proposed for annexation is located within the area identified for new in the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, with the remaining annexation areas located within that area designated as urban reserve.

The proposed annexation will allow for the continuation of the City's growth in the north central part of Wichita. Most properties in the annexation area are currently served by 12 inch or larger water mains located in the 37th Street, Hydraulic and Broadway rights-of-way. As for sanitary sewer however, the majority of these properties are served by private sanitary sewer systems, with a few served by City sewer. City sewer lines are located in certain areas of 37th Street, between Broadway and Hillside. Currently, however, the City has no plans to extend sewer or water service to these areas.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$2,848,330 resulting in an annual City Ad Valorem tax revenue of approximately \$15,732. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services to be provided upon annexation will be funded by the operating departments currently delivering these services. Major municipal services such as local street improvements, water service may be provided to this area upon request by the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be mailed, by certified mail, to all owners of the property proposed to be annexed within 10 days of adoption, and the resolution must be published once in the official City newspaper not less than one week nor more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Council Member Rogers left the Bench

Motion --

Cole moved that the Service Extension Plan be accepted and the Resolution setting the public hearing for August 17, 1999, 7:00 p.m., at the Law Enforcement Training Center, 2235 West 37th Street North, be adopted. Motion carried 6 to 0. (Rogers absent)

-- carried

## RESOLUTION NO.R-99-236

A Resolution establishing a public hearing date on August 17, 1999, at 7:00 p.m. at the Law Enforcement Training Center, 2235 West 37th Street North, Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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Council Member Rogers present.

## OFF AGENDA ITEM

### HOG FARMING ISSUE

Mayor Knight

Mayor Knight said the City of Wichita, should not allow, without voicing concern, anything to put the equus beds in peril.

The City should get recommended actions from various authorities on the matter and, if there is no concern, fine. If there are concerns, the City Council has to be very aggressive on this matter, and there is not a lot of time.

Mayor Knight said he would like the Council to have sufficient recommendations from specialists, including health and water, to safeguard the public interest. The opinions and recommendations should come before the Council within the next couple of weeks.

## EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and confidential data relating to the financial affairs or trade secrets of a business, and the regular meeting be resumed at 11:55 a.m. in the City Council Chambers. Motion carried 7 to 0.

-- carried

## RECESS

The City Council recessed at 11:00 a.m. and returned at 12:10 p.m.

Mayor Knight announced that no action was necessary as a result of the executive session.

## ADJOURNMENT

The City Council adjourned at 12:10 p.m.

Pat Burnett  
City Clerk